

## IOWA PUBLIC INFORMATION BOARD[497]

### Notice of Intended Action

#### **Proposing rule making related to waivers and providing an opportunity for public comment**

The Iowa Public Information Board (IPIB) hereby proposes to amend Chapter 9, “Waivers or Variances from Administrative Rules,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 23.6(2).

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code section 17A.9A.

#### *Purpose and Summary*

The purpose of this proposed rule making is to update IPIB’s administrative rules in accordance with changes included in 2020 Iowa Acts, House File 2389, section 10. The changes call for removal of the word “variance” when the word is used in relation to “waiver.” Amendments are also proposed regarding the submission of information regarding waivers on the Legislative Services Agency’s Internet site.

#### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition IPIB for a waiver of the discretionary provisions, if any, pursuant to 497—Chapter 9.

#### *Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by IPIB no later than 4:30 p.m. on May 11, 2021. Comments should be directed to:

Zach Goodrich  
Iowa Public Information Board  
Wallace State Office Building  
502 East 9th Street, Third Floor  
Des Moines, Iowa 50319  
Phone: 515.725.1782  
Email: [zach.goodrich@iowa.gov](mailto:zach.goodrich@iowa.gov)

#### *Public Hearing*

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend **497—Chapter 9**, title, as follows:

**WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES**

ITEM 2. Amend rule 497—9.1(17A) as follows:

**497—9.1(17A) Definition.** For purposes of this chapter, a “waiver” or “variance” means action by the board that suspends, in whole or in part, the requirements or provisions of a rule as applied to any identified person on the basis of the particular circumstances of that person. The term “waiver” ~~shall include both a waiver and a variance, and the term~~ “person” shall include any individual or entity subject to the board’s jurisdiction.

ITEM 3. Amend rule 497—9.12(17A) as follows:

**497—9.12(17A) ~~Summary reports~~ Submission of waiver information.** The board shall ~~semiannually prepare a summary report identifying~~ submit information about granted and denied waivers to the Internet site pursuant to Iowa Code section 17A.9A within 60 days. The submission shall identify the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule and a citation to the statutory provisions implemented by the rules. The report submission shall include a general summary of the reasons justifying the board’s actions on waiver requests and, if practicable, shall detail the extent to which the granting of a waiver has affected the general applicability of the rule itself and the extent to which the granting of the waiver has established a precedent for additional waivers. ~~Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.~~